

SENATE BILL 2140
By Herron

AN ACT to amend Tennessee Code Annotated, Section
71-5-198, relative to prescription drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-198(c), is amended by deleting that subsection and by substituting instead the following:

(c) To the extent permitted by federal law and the TennCare waiver, the bureau of TennCare may implement, either independently or in combination with a state preferred drug list (PDL), cost saving measures for pharmaceutical services including, but not limited to, tiered co-payments, reference pricing, prior authorization, and step therapy requirements, exclusion from coverage of drugs or classes of drugs. To the extent permitted by law and the TennCare waiver, the bureau of TennCare shall implement mandatory use of generic drugs and therapeutically equivalent drugs as a cost saving measure in any prescription drug program it implements pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 71-5-198(d), is amended by deleting the word "may" and by substituting instead the word "shall".

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.